



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/07/06

AGENDA ITEM 8

WORK SESSION ITEM

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Authorizing Execution of a Development Agreement for Development of the Garin Vista Project

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the February 21, 2006, meeting of the City Council with the following vote:

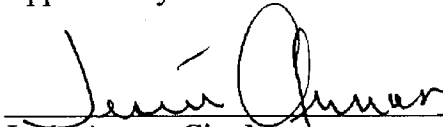
AYES:	Council Members:	Jimenez, Quirk, Ward, Henson
	Mayor:	Cooper
NOES:	Council Members:	Halliday, Dowling
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on February 25, 2006. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesus Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT
FOR DEVELOPMENT OF THE GARIN VISTA PROJECT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This ordinance authorizes the execution of a development agreement with John M. McKenzie, Lia F. McKenzie and Garin Vista, LLC, for the Garin Vista Project ("Garin Vista Project Development Agreement"), to be developed on an approximately 50-acre site located northeast of the intersection of Woodland Avenue and Bodega Street, west of Garin Regional Park in the unincorporated area of Hayward, California (the "Property"), in the Mission-Garin Annexation Area. The findings and determinations contained in the Resolution 06-017, which approves Zone Change Application PL 2005-0322 PD, reclassifying the Property from Medium Density Residential (RMB4) District and Agricultural (AB10A) District to Planned Development (PD) District and Vesting Tentative Map 7354 (PL 2005-0323), are incorporated by reference herein. The following additional findings also support the adoption of this ordinance authorizing the execution of a Development Agreement for the Garin Vista project.

- A. This ordinance is adopted pursuant to the enabling provisions of Article 9, Chapter 10 of the Hayward Municipal Code, the City's Development Agreement Ordinance, and the provisions of state law which authorize the City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of their property, contained in Government Code sections 65864 through 65869.5.
- B. The proposed Garin Vista Project Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, Mission-Garin Area Special Design District, and the Hillside Design and Urban Wildland/Interface Guidelines in that Section 4 of the Development Agreement stipulates the development must be consistent with such provisions.
- C. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located in that the General Plan allows for Limited Medium Density Residential development at 8.7 to 12.0 dwelling units per net acre and the development is proposed to have 9.8 dwelling units per net acre.
- D. The proposed Development Agreement is in conformity with public convenience, general welfare, and good land use practice in that it will provide new housing opportunities and substantial contribution toward development of a new community center, while minimizing impacts to the area and ensuring a geologic hazard abatement district will be formed.
- E. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that Alquire Parkway and a new public road serving the development would

be built, as well as a new emergency access easement road and emergency vehicle access easement road along the southern property line, providing for enhanced access during emergencies and a new 1.2 million gallon water tank and related system improvements to the Garin reservoir water system will also be constructed.

- F. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as a part of the development approvals to ensure that significant environmental impacts will be reduced to levels of insignificance, including those associated with dust and air quality, naturally-occurring asbestos and geologic hazards.
- G. The orderly development of property or the preservation of the property values will be promoted and advanced by the proposed development in that high-quality single-family housing will be constructed in an area that contains a former quarry with associated over-steepened slopes and landslides, resulting in fewer impacts to, and a development more compatible with, surrounding residences. Additionally, sewer and water service would be extended to properties along Bodega Street.

Section 2. Authorization of La Vista Project Development Agreement. Based on the findings set forth in this ordinance and in Resolution No. 06-017, as well as a review of the proposed Garin Vista Project Development Agreement submitted to the City Council at the February 21, 2006, meeting, the City Council hereby takes the following actions:

- A. The City Manager is authorized to execute a Development Agreement with La Vista, L.P., regarding the Garin Vista Project planned development proposal substantially in the form of the proposed development agreement presented to the City Council on February 21, 2006, together with such minor clarifying changes as may be necessary upon approval by the City Manager after consultation with the City Attorney.
- B. The City Manager is also authorized to take such further actions which he or she deems necessary and proper to carry out and or monitor performance of the terms of the executed Garin Vista Project Development Agreement pursuant to applicable law and regulation. This authority includes but is not limited to execution of any further agreement which the City Manager deems necessary to implement the Garin Vista Development Agreement ("Implementation Agreement").

Section 3. Effective Date. This ordinance shall become effective immediately upon the effective date of annexation of the Property by the Local Agency Formation Commission of Alameda County.

Section 4. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Introduced at a meeting of the Hayward City Council held February 21, 2006, the above-entitled ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on March 7, 2006, at 8:00 p.m., in the Council Chambers, 777 B. Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: February 25, 2006

Angelina Reyes, City Clerk
City of Hayward